

THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	CRIMINAL NO. 4:19CR224
	§	
LADARIOUS BROWN (1)	§	

**REPORT AND RECOMMENDATION ON
DEFENDANT'S COMPETENCY TO STAND TRIAL**

Pursuant to 28 U.S.C. § 636(b) and the Local Rules for the United States District Court for the Eastern District of Texas, this criminal proceeding is before the undersigned United States Magistrate Judge.

On October 24, 2019, Defendant's counsel filed a Motion for Psychological and/or Psychiatric Examination [Dkt. 19] seeking a psychiatric examination pursuant to 18 U.S.C. §§ 4241 at an appropriate Bureau of Prisons facility, and that a psychiatric report of findings be filed with the Court consistent with 18 U.S.C. §§ 4247(b). The Court granted that motion on October 28, 2019 [Dkt. 20]. Defendant was subsequently evaluated by Dr. Samantha Shelton. The Court has received the report from the Bureau of Prisons, and copies have been furnished to the Assistant United States Attorney and defense counsel.

A competency hearing was conducted on April 6, 2020, before U.S. Magistrate Judge Christine A. Nowak, wherein the report was admitted. At the hearing, Defendant appeared via videoconference with his counsel, Denise Benson. Defendant was given the opportunity to present evidence and call witnesses. Defendant did not offer any witnesses or evidence. Moreover, Defendant did not present any objections to the report, including Dr. Shelton's opinion on competency. The Government also did not object to the report findings.

Dr. Shelton's report concludes that "Mr. Brown appears fully competent to understand the nature and consequences of the court proceedings against him, and to properly assist counsel in his defense." The undersigned considered the report and concludes that Defendant is not mentally incompetent and is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense. Defendant has a rational and factual understanding of the proceedings against him and has sufficient present ability to consult with his attorney with a reasonable degree of rational understanding. 18 U.S.C. §4241(d); see also Dusky v. United States, 362 U.S. 402 (1960).

RECOMMENDATION

For the foregoing reasons, the Court recommends that Defendant be found competent to stand trial because he understands the nature and consequences of the proceedings against him and is able to assist in his defense. See 18 U.S.C. § 4241. It is further recommended that the speedy trial time be excluded from October 24, 2019 (the date the Defendant filed the Motion for Psychological and/or Psychiatric Examination), until the date on which the District Judge signs the order adopting this report and recommendation.

Both Parties waived the fourteen (14) day objection period.

SIGNED this 13th day of April, 2020.

A handwritten signature in black ink, appearing to read 'C.A. Nowak', is written over a horizontal line.

Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE